

MONTANA LEGISLATIVE HISTORY

Chapter 299 19 83

Bill H 560 S _____ Original bill & history ✓ C

H. Committee on H/L + Trans.

Hearing Date(s) 2/8 ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on H/L + Trans.

Hearing Date(s) 2/15 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

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Chap. Num.	Senate Bill	House Bill	Sponsor	Title
296	373		Van Valkenburg	An act validating unacknowledged deeds executed prior to January 1, 1983; validating, and making sufficient as legal notice of the interest contained therein, all instruments affecting real property recorded prior to January 1, 1983, regardless of technical defects; amending sections 70-20-315 and 70-21-309, MCA.Page 585
297		94	Ellison	An act to authorize the Department of Fish, Wildlife, and Parks to issue permits for the taking and holding of raptors for captive breeding projects; amending sections 87-5-204 and 87-5-206, MCA.Page 586
298		533	Bardanouve	An act to generally revise language in code sections dealing with the issuance of bonds in order that references to the treasury fund structure conform to Chapter 28, Laws of 1981, as required by Chapter 28, section 5, Laws of 1981; amending sections 17-5-401, 17-5-403 through 17-5-408, 17-5-411, 17-5-412, 17-5-421, 17-5-422, 17-5-503, 17-5-506, 17-5-507, 17-5-608, 17-5-618, 17-5-702 through 17-5-705, 17-5-708 through 17-5-710, 20-25-433, 20-25-434, 60-3-201, 60-11-1107, 76-15-507, 85-1-102, 85-1-304, 85-1-307, 85-1-321 through 85-1-323, 85-1-603 through 85-1-606, 85-1-613 through 85-1-615, 85-1-617, 85-1-619, 85-1-620, 85-1-623, 90-2-102, 90-2-112, and 90-2-121 through 90-2-127, MCA; instructing the Code Commissioner to make necessary changes; and providing an effective date.....Page 588
299		560	Abrams	An act to revise and clarify the duties of motor vehicle operators and law enforcement officers concerning the filing of accident reports; to provide a penalty for failure to file a report; amending sections 61-7-109 and 61-7-111, MCA; and providing an immediate effective date.....Page 614
300		638	Hansen	An act providing that the Insurance Commissioner may impose an administrative penalty upon an insurer for failing to pay medical or health claims in a timely manner; providing that the commissioner may inquire into the cause of certain late payments; providing that insurers shall pay the insured interest on certain claims that are not paid in a timely manner; defining "proof of loss" and "insurer".Page 615
301		764	Nilson	An act to allow the possession and transportation of eagle parts and plumage for religious purposes by members of Indian tribes when such possession or transportation is permitted by federal law; amending section 87-5-201, MCA.Page 617
302	150		Story	An act to provide that for privately owned public swimming pools no lifeguard is required if warning is given; amending section 50-53-107, MCA.....Page 617
303	185		Galt	An act to revise taxation exemptions for certain coal producers; amending sections 15-6-208 and 15-35-103, MCA; providing an immediate effective date and an applicability date.....Page 618
304	210		Dover	An act authorizing the Unemployment Insurance Division to use a portion of contributions from employers for certain administrative purposes; and providing an effective date.Page 619
305	279		Ochsner	An act amending section 85-5-107, MCA, to revise the reporting requirements for and costs assessable by a water commissioner.Page 620
306	330		Galt	An act revising the law relating to special license plates for members of the National Guard; amending section 10-1-110, MCAPage 620
307	345		Stephens	An act to allow the Department of Administration to provide assistance to political subdivisions or nonprofit organizations for the purpose of establishing communication systems; amending section 2-17-302, MCA.....Page 621
308	354		Christiaens	An act revising the laws relating to priority of agisters' liens and liens of service over perfected security interests and other recorded liens; amending section 71-3-1202, MCA.....Page 622
309	382		Stimat	An act limiting the amount a health service corporation may charge for a policy converted from a group plan; requiring 45 days' notice of any rate increase by a health service corporation; amending section 33-30-1007, MCA.....Page 623

HB 559 -- PHILLIPS -- TO REMOVE THE STATUTORY SPECIFICATIONS CONCERNING ENVELOPES IN WHICH BALLOTS ARE MAILED TO ELECTORS IN THE UNITED STATES SERVICE; PROVIDING THAT SUCH SPECIFICATIONS BE PRESCRIBED BY THE SECRETARY OF STATE CONSISTENT WITH FEDERAL REGULATIONS; AMENDING

INTRODUCED: 01/29/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/29/83
HEARING: 2/7/83
REPORT: 02/07/83, DO PASS
2ND READING: 02/09/83, DO PASS AYES: 93; NAYS: 1
3RD READING: 02/11/83, DO PASS AYES: 98; NAYS: 0

TRANSMITTED TO SENATE: 2/11/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/12/83
HEARING: 3/3/83
REPORT: 03/03/83, BE CONCURRED IN
2ND READING: 03/05/83 AYES: 49; NAYS: 0
3RD READING: 03/08/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 3/8/83

TRANSMITTED TO GOVERNOR: 03/15/83
SIGNED: 3/17/83, CHAPTER 110

HB 560 -- ABRAMS, SPAETH, D. BROWN, ET AL. -- TO REVISE AND CLARIFY THE DUTIES OF MOTOR VEHICLE OPERATORS AND LAW ENFORCEMENT OFFICERS CONCERNING THE FILING OF ACCIDENT REPORTS; TO PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT; AMENDING
BY REQUEST OF: THE DEPARTMENT OF JUSTICE

INTRODUCED: 01/29/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/29/83
HEARING: 2/8/83
REPORT: 02/09/83, DO PASS
2ND READING: 02/11/83, DO PASS AYES: 75; NAYS: 0
3RD READING: 02/15/83, DO PASS AYES: 99; NAYS: 0

TRANSMITTED TO SENATE: 2/15/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 02/16/83
HEARING: 3/15/83
REPORT: 03/16/83, BE CONCURRED IN
2ND READING: 03/18/83 AYES: 49; NAYS: 0
3RD READING: 03/21/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 03/21/83

TRANSMITTED TO GOVERNOR: 03/25/83
SIGNED: 03/30/83, CHAPTER 299

HB 561 -- ADDY, NORDTVEDT -- PROVIDING AN EXCLUSION OF \$100 IN INTEREST INCOME FROM ADJUSTED GROSS INCOME TO INDIVIDUALS LESS THAN 65 YEARS OF AGE; AMENDING

INTRODUCED: 01/29/83
REFERRED TO COMMITTEE ON TAXATION: 01/29/83
HEARING: 2/9/83
DIED IN COMMITTEE

HB 562 -- HARPER, ROUSH, METCALF, ET AL. -- TO AMEND THE DEFINITION OF THE CRIME OF

1 *House* BILL NO. *560*
 2 INTRODUCED BY *Shame* *Spacht* *One Brain* *Palmit*
 3 *Atkins* *Sabwidi* *O'Connell*
 4 BY REQUEST OF THE DEPARTMENT OF JUSTICE
Boyle

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 6 THE DUTIES OF MOTOR VEHICLE OPERATORS AND LAW ENFORCEMENT
 7 OFFICERS CONCERNING THE FILING OF ACCIDENT REPORTS; TO
 8 PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT; AMENDING
 9 SECTIONS 61-7-109 AND 61-7-111, MCA; AND PROVIDING AN
 10 IMMEDIATE EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 61-7-109, MCA, is amended to read:

14 "61-7-109. Written reports of accidents -- additional
 15 information -- form of report. (1) The operator of any motor
 16 vehicle which is in any manner involved in an accident
 17 within this state in which any person is killed or injured
 18 or in which damage to the property of any one person in
 19 excess of \$250 is sustained shall, within 10 days after such
 20 accident, report the matter in writing to the division
 21 unless the accident was investigated and reported by a law
 22 enforcement officer as provided in subsection (3).

23 (2) The division may require any driver of a vehicle
 24 involved in an accident of which report must be made as
 25 provided in this section to file supplemental reports

1 whenever the original report is insufficient and may require
 2 witnesses of accidents to render reports.

3 (3) Every law enforcement officer who in the regular
 4 course of duty investigates a motor vehicle accident of
 5 ~~which report must be made as required in this part, in which~~
 6 ~~any person is killed or injured or in which damage to the~~
 7 ~~property of any person exceeds \$250,~~ either at the time of
 8 and at the scene of the accident or thereafter by
 9 interviewing participants or witnesses, shall within 10 days
 10 after completing the investigation forward a written report
 11 of the accident to the division.

12 (4) The form of the accident report required under
 13 this section shall contain information sufficient to enable
 14 the division to determine whether the requirements for the
 15 deposit of security for safety responsibility are
 16 inapplicable by reason of the existence of insurance or
 17 other exemptions specified in this part."

18 Section 2. Section 61-7-111, MCA, is amended to read:

19 "61-7-111. Accident report forms. (1) The division
 20 shall prepare and, upon request, supply to police
 21 departments, coroners, medical examiners, sheriffs, garages,
 22 and other suitable agencies or individuals forms for
 23 accident reports required hereunder, appropriate with
 24 respect to the persons required to make such reports and the
 25 purposes to be served. The written reports to be made by

persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the causes, conditions then existing, and the persons and vehicles involved.

(2) Every accident report required to be made in writing shall be made on the appropriate form approved by the division and shall contain all of the information required therein unless not available.

(3) The division may suspend the license or permit to drive of any resident or the nonresident operating privilege of any person failing to report an accident as herein provided until such report has been filed. ~~Any person convicted of failing to report an accident by the quickest means of communication or failing to forward a written report as required herein is guilty of a misdemeanor and punishable by a fine of not more than \$25.~~

NEW SECTION. Section 3. Penalty for violation. (1) A person violating any provision of 61-7-104 through 61-7-110 or 61-7-112 through 61-7-114 is guilty of a misdemeanor. Upon a first conviction, the offender shall be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the offender shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such

fine and imprisonment. Upon a third or subsequent conviction within 1 year of the first conviction, an offender shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

(2) Subject to the limitations of 46-18-231(3), an offender who fails to pay a fine shall be imprisoned in the county jail in the county in which the offense was committed, and the punishment shall be commuted at the rate of 1 day's incarceration for each \$10 of the fine.

NEW SECTION. Section 4. Codification instruction. Section 3 is intended to be codified as an integral part of Title 61, chapter 7, part 1, and the provisions of Title 61, chapter 7, apply to section 3.

NEW SECTION. Section 5. Effective date. This act is effective on passage and approval.

-End-

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REP. SHONTZ asked if it would be rational to issue antique plates for such motorcycles. Rep. Kitselman answered, saying special motorcycle plates would be necessary, which could be accomplished by administrative rule.

REP. LYBECK asked how many motorcycles would be involved throughout the State. Rep. Kitselman replied there were fewer than 250 and the hearing was closed.

HOUSE BILL 560. REP. HUBERT ABRAMS, District 56, Wibaux, testified as sponsor of the bill which was drafted at the request of the Department of Justice to eliminate duplication in filing of accident reports. He told the Committee new sections were addressed on page 1, lines 21-22, of the bill.

PROPONENTS

COL. LANDON, Montana Highway Patrol, told committee members the bill would eliminate unnecessary red tape for persons involved in accidents. He said the accident reports are not presently used for statistical purposes and the Patrol believes they aren't needed when an officer fills out his report.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. KOEHNKE asked if the bill applied to the Montana Highway Patrol only. Col. Landon said it applied to any peace officer in the State.

REP. STOBIE asked how current statute referred to penalties. Col. Landon told him when an accident is not investigated, the person involved would be required to file a report via the quickest route, for example, by telephone. He added the proper language was taken from the Uniform Vehicle Code to prevent anyone from covering up an accident.

REP. KEYSER asked if another section of the law would require an accident to be reported, when necessary, if language on page 3 of the bill were eliminated. Col. Landon replied if the provision had been eliminated, it was not intentional.

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MR. GREG PETESCH, Legislative Council Attorney, advised the Committee there are two sections requiring anyone arriving upon the scene of an accident to stop and give aid and remain at the scene. Rep. Keyser said he was concerned this language may have been omitted.

The hearing on House Bill 560 was closed.

HOUSE BILL 588. REP. BERNIE SWIFT, District 91, Ravalli County, testified as chief sponsor of the bill, which clarifies public ownership of public roads created by subdivision, amending Sections 7-14-2107 and 7-14-2657, MCA. He said the bill makes it clear that a road dedicated by subdivision is handled differently, citing as an example, roads created as early as 1910 through 1916, which in the past 8 to 10 years, have been affected by subdividing in Ravalli County. Rep. Swift told the Committee dedicated roads must be laid out on a plat, which become a fact of law and of ownership, creating the need for the change in codes.

PROPOSERS

There were no proposers of the bill.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

IN CLOSING, Rep. Swift advised the Committee to check statutes for intended purpose, adding he worked with his county attorney in drafting the bill.

REP. HAMMOND asked how ownership would be determined between two owners, when one was situated on each side of a dedicated road. Rep. Swift said the bill pertains to situations created by subdivision, adding the responsibility would remain with prior owners.

REP. LYBECK asked if the provision would apply to a 30 acre plat which had been subdivided. Chairman Abrams advised Mr. Petesch would check the sections prior to executive action on the bill and the hearing was closed.

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HOUSE BILL 542. REP. SHONTZ moved the Committee amend the bill and provided proposed amendments to the bill (exhibit).

REP. HEMSTAD asked if Section 1,(5), addressed the situation. The motion was given unanimous committee approval.

REP. BROWN moved the bill Do Pass as Amended. Rep. Hammond seconded the motion and the bill was approved with all members voting aye, except Rep. Hemstad, who voted no.

HOUSE BILL 560. REP. ZABROCKI moved the bill Do Pass. Rep. Lybeck seconded the motion, which was unanimously approved by the Committee.

CHAIRMAN ABRAMS appointed a subcommittee comprised of Representatives Shontz and Keyser, with Rep. Zabrocki as Chairman, to study House Bills 484 and 606 and report to the Committee.

The meeting was adjourned at 2:30pm.


REP. HUBERT ABRAMS, CHAIRMAN


Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

FEBRUARY 8

19 33

SPEAKER:

MR.

HIGHWAYS AND TRANSPORTATION

We, your committee on

having had under consideration **HOUSE** Bill No. **560**

FIRST reading copy (**WHITE**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
THE DUTIES OF MOTOR VEHICLE OPERATORS AND LAW ENFORCEMENT
OFFICERS CONCERNING THE FILING OF ACCIDENT REPORTS; TO
PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT; AMENDING
SECTIONS 61-7-109 AND 61-7-111, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That **HOUSE** Bill No. **560**

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 15, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 15, 1983, at 1:20 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Etchart, Elliott, Shaw, Daniels present. Senator Stephens and Senator Hazelbaker were present so the committee could have a quorum to start the meeting. Senator Hager, Graham, D. Manning arrived late. Senator Veit, Stimatz were absent.

HOUSE BILL NO. 560: Hearing commenced on House Bill No. 560, introduced by Representative Abrams. He told the committee he introduced this bill by request of the Department of Justice. It is an act to revise and clarify the duties of motor vehicle operators and law enforcement officers concerning the filing of accident reports; to provide a penalty for failure to file a report and also provides for an immediate effective date.

Representative Abrams went on to say this bill, which would be effective immediately relieves the driver of a motor vehicle involved in an accident that caused death, personal injury, or property damage of more than \$250 of the requirement to file a written report if the accident was investigated and reported by a law enforcement officer and further requires an officer who investigates such an accident to file a written report within ten days. Stricken from the law is the misdemeanor clause and the \$25 fine for failing to file a report. This bill provides penalties for failure to comply with the Uniform Accident Reporting Act of: First offense, fine of from \$10 to \$100 and imprisonment of not more than 10 days; second offense within one year, fine between \$25 and \$200 or jail term of up to 20 days or both fine and jail term; third offense within one year of first, fine of between \$50 and \$500 and jail term of up to six months or both. The fine may be served out in jail at rate of \$10 per day.

Colonel Landon, Highway Patrol, spoke in support of House Bill No. 560. This bill, if passed, will accomplish three goals: (1) It will eliminate, in most cases, the report that drivers must file when involved in an auto accident. (2) It will expand the penalties for failing to report an accident. (3) It will bring Montana law in line with the Uniform Vehicle Code.

Colonel Landon said that under current law, every driver involved with an automobile accident involving death, injury, or property damage of more than \$250 must file a written

report with the Highway Patrol. This bill would eliminate this requirement unless an officer was unable to investigate and report on the accident. Consequently, this would cut down on a great deal of needless paperwork.

Colonel Landon said the second goal of this bill is to expand penalties for failure to report an accident. Under the current law, failure to report an accident can result in a fine of up to \$25.00. Under this bill, the penalties are significantly expanded. The first conviction requires a fine of \$10-\$100, or a maximum of 10 days in jail. The second conviction within one year requires a fine of \$25-\$200, or a maximum of 20 days in jail, or both. The third conviction within one year requires a fine of \$50-\$500, or up to six months in jail, or both.

The third goal of this bill is to bring Montana law in line with the Uniform Vehicle Code. The Uniform Vehicle Code, like this bill, eliminates needless driver reports, and provides for escalating penalties. That concludes my prepared remarks. If you have any questions I, or other representatives of the Department of Justice, would be glad to answer them. Also, Jim M. McLean, Assistant Attorney General for the State of Montana is present and is available to answer questions.

There were no further proponents and no opponents.

Senator Shaw asked if a one car accident that is \$250 worth of damage or more, has to be investigated and reported under the old and new law.

Colonel Landon, said yes, that is correct. If there is \$250 worth of damage, and the accident is not investigated by the Highway Patrol, then the individual must report it, but if it is investigated, then the individual does not have to report it, if this bill passes.

Senator Etchart asked Colonel Landon how much the fine is increased for not reporting.

Colonel Landon said right now the fine is \$25, and under the proposed legislation, the fine would be \$10 to \$100 for first offense. If it happens in the future, then the fine is increased.

There being no further discussion, hearing on House Bill No. 560 was closed.

HOUSE BILL NO. 588: Hearing commenced on House Bill No. 588, introduced by Representative Swift. He told the committee this is a bill that will clarify public ownership of county roads created by a subdivision that dedicates forever the use

Senator Graham said he also agrees. I think we should send it to Judiciary.

Senator Daniels made the motion that House Bill No. 588 be rereferred to the Senate Judiciary Committee. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 560: Senator Elliott commented he did not see any problems with this bill. He asked if there are any sections of the law that handle non-payment of fines. Being that on Page 4, line 6, that this is a new section of the law, I just wonder.

Senator Daniels said he thought it is in a general statute. It does not do any harm. I don't think it makes much difference if it is in there or not.

Senator Shaw made the motion that House Bill No. 560 BE CONCURRED IN. The motion carried unanimously. Senator Shaw will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 606: Senator Shaw passed out copies of his proposed amendments. He read them to the committee:

1. Page 2, line 6.

Strike: "currently in short supply"

2. Page 3, line 22.

Strike: "currently in short supply"

3. Page 3, line 24.

Following: "\$5."

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, in addition to any fine or jail sentence imposed under any other provision of this chapter, and bond for this offense shall be \$35."

Senator Elliott made the motion to amend the amendments by Senator Shaw as follows:

3. Page 3, line 24.

following: \$5.

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, ~~in-addition-to-any-fine-or-jail sentence-imposed-under-any-other-provision-of-this-chapter,~~ in lieu of the fine imposed under 61-8-304, and bond for this offense shall be \$35."

Highways

Oppose

✓

4

55R22

✓

Page 11 Highways

NAME: Jim McLean DATE: 3/15/83

ADDRESS: Attorney General's Office

PHONE: 449-2026

REPRESENTING WHOM? Attorney General

APPEARING ON WHICH PROPOSAL: H/B 560

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: See Written Testimony.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 12 Highway 3/15/83

TESTIMONY IN SUPPORT BY JIM M. McLEAN
ASSISTANT ATTORNEY GENERAL FOR THE STATE OF MONTANA
BEFORE THE SENATE HIGHWAY & TRANSPORTATION COMMITTEE
HOUSE BILL 560

This bill, if passed, will accomplish three goals:

(1) It will eliminate, in most cases, the report that drivers must file when involved in an auto accident.

(2) It will expand the penalties for failing to report an accident.

(3) It will bring Montana law in line with the Uniform Vehicle Code.

Under current law every driver involved with an automobile accident involving death, injury, or property damage of more than \$250 must file a written report with the Highway Patrol. This bill would eliminate this requirement unless an officer was unable to investigate and report on the accident. Consequently, this would cut down on a great deal of needless paperwork.

The second goal of this bill is to expand penalties for failure to report an accident. Under the current law, failure to report an accident can result in a fine of up to \$25.00. Under this bill, the penalties are significantly expanded. The first conviction requires a fine of \$10-\$100, or a maximum of 10 days in jail. The

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second conviction within one year requires a fine of \$25-\$200, or a maximum of 20 days in jail, or both. The third conviction within one year requires a fine of \$50-\$500, or up to 6 months in jail, or both.

The third goal of this bill is to bring Montana law in line with the Uniform Vehicle Code. The Uniform Vehicle Code, like this bill, eliminates needless driver reports, and provides for escalating penalties.

That concludes my prepared remarks. If you have any questions I, or other representatives of the Department of Justice, would be glad to answer them.

STANDING COMMITTEE REPORT

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March 15

1983

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **House** Bill No. **560**

Abrams (Shaw)

Respectfully report as follows: That **House** Bill No. **560**

BE CONCURRED IN

~~DO PASS~~